

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, May 11, 2006, @ 6:30 P.M.**
 Office of Zoning Hearing Room
 441 4th Street, N.W. Suite 220
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 06-06 (Charter Schools – Text Amendment)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning, through a report dated February 3, 2006 requested a text amendment to §§ 199.1, 206.1 – 206.3, 400.10, 400.11, 401.3, 401.8, 401.9, 403.1, 501.1(i), 601.1(u), 771.10, 901.1(v), and 2101.1 of Title 11 of the District of Columbia Municipal Regulations, to change the definition of public schools to include Charter Schools, to amend the lot area, lot width, FAR, lot occupancy permitted for public schools in Residence Zones, allow collocation of school uses with other uses and sharing of recreational facilities, permit schools in Residence Zones not meeting the proposed requirements to be allowed as special exceptions, allow public schools in SP, CR, and W Zone Districts, and create standards for preschools. The Office of Planning's report on charter schools was received on February 3, 2006, and served as the pre-hearing submittal for the case.

This case was set down for hearing on February 13, 2006, at which time the Commission also adopted the amendments to §§ 199.1, 400.10, 400.11, 401.3, 401.8, 401.9, and 403 on an emergency basis and authorized the publication of a notice of proposed rulemaking with respect to all of the proposed rules.¹ The Commission also waived § 3013.1 of its rules of procedures, which would have required a twenty-day waiting period before publication

The following amendments to Title 11 of the District of Columbia Municipal Regulations (ZONING) are proposed:

A. Chapter 1, THE ZONING REGULATIONS, § 199.1, is amended as follows:

School, public - A building or use within a building operated ~~and maintained~~ or chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board for educational purposes and other such community uses as deemed necessary and desirable.

¹ A Notice of Emergency and Proposed Rulemaking is being published elsewhere in the same edition of the *D.C. Register*.

B. Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows,

1. By amending § 201.1(k) to read as follows:

- (k) Public school, subject to the provisions of chapter 21 of this title; public schools may collocate with other permitted schools or uses provided all applicable requirements of this title are met. Public schools may share common on-site recreation space including gymnasiums, playgrounds, and fields, and these shared recreational spaces may count toward the minimum lot area provided that the school is adjacent to the shared recreation space; on-site office use must be ancillary and necessary to the operation of the particular school.

2. By amending §206 to read as follows:

206 PUBLIC AND PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1)

206.1 Use as a public school that does not meet the requirements of chapter 4 of this title or as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

206.2 The school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

C. Chapter 4, RESIDENCE DISTRICTS: HEIGHT, AREA, AND DENSITY REGULATIONS, is amended as follows:

1. By amending §§ 400.10 and 400.11 to read as follows:

400.10 In an R-1, R-2, R-3, and R-4 District, a public school building or structure may be erected to a height not exceeding sixty feet (60 ft).

400.11 In an ~~R-3, R-4~~, R-5-A, R-5-B, and R-5-C District, a public school building or structure may be erected to a height not exceeding ninety feet (90 ft).

2. By amending the table in § 401.3 to read as follows:

| ZONE DISTRICT AND STRUCTURE | MINIMUM LOT AREA (square feet) | MINIMUM WIDTH OF LOT (feet) |
|--|--|---|
| <u>R-1-A</u> Public School | <u>15,000</u> | <u>120</u> |
| R-1-A All <u>other</u> structures | 7,500 | 75 |
| <u>R-1-B</u> Public School | <u>15,000</u> | <u>120</u> |
| R-1-B All <u>other</u> structures | 5,000 | 50 |
| <u>R-2</u> Public School | <u>9,000</u> | <u>120</u> |
| R-2 One-family semi- detached dwelling | 3,000 | 30 |
| R-2 All other structures | 4,000 | 40 |
| <u>R-3</u> Public School | <u>9,000</u> | <u>120</u> |
| R-3 Row dwelling | 2,000 | 20 |
| R-3 One-family semi- detached dwelling | 3,000 | 30 |
| R-3 All other structures | 4,000 | 40 |
| <u>R-4</u> Public School | <u>9,000</u> | <u>120</u> |
| R-4 Row dwelling and flat | 1,800 | 18 |

| | | |
|---|---|---|
| R-4 One-family semi-detached dwelling | 3,000 | 30 |
| R-4 Conversion to apartment house | 900/apartment or bachelor apartment | None prescribed |
| R-4 All other structures | 4,000 | 40 |
| <u>R-5-A</u> <u>Public School</u> | <u>9,000</u> | <u>120</u> |
| R-5-A All other structures | As prescribed by the Board pursuant to § 3104 | As prescribed by the Board pursuant to § 3104 |
| <u>R-5-B, R-5-C, R-5-D, R-5-E</u> <u>Public School</u> | <u>9,000</u> | <u>120</u> |
| R-5-B, R-5-C, R-5-D, R-5-E All other structures | None prescribed | None prescribed |

3. By adding a new § 401.8 to read as follows:

401.8 For public schools minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.

4. By amending § 403.1 to read as follows:

403.1 A public school building may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in §403.2; provided, that the portion of the building excluding closed courts exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and provided further, that direct pedestrian access not less than ten feet (10 ft) in width from at least two (2) public rights-of-way shall be provided to each roof area used for these purposes. The roof area shall be used only for open space, recreation areas, or

other athletic and field equipment areas in lieu of similarly used space normally located at ground level. In the R-2, R-3, and R-4 zones, the total lot occupancy should not exceed 70 percent.

D. Chapter 5, SPECIAL PURPOSE DISTRICTS, is amended by adding a new §501.1(i) to read as follows:

(i) Public School, subject to the provisions of chapter 21 of this title.

E. Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended by adding a new §601.1(u) to read as follows:

(u) Public School, subject to the provisions of chapter 21 of this title.

F. Chapter 7, COMMERCIAL DISTRICTS, is amended by adding a new § 771.10 to read as follows:

771.10 In a C-1 District, the maximum floor area ratio requirements may be increased for specific public school buildings or structures, but shall not exceed the floor area ratio 1.8.

G. Chapter 9, WATERFRONT DISTRICTS, is amended by adding a new § 901.1(v) to read as follows:

(v) Public School, subject to the provisions of chapter 21 of this title.

H. Chapter 21, OFF STREET PARKING REQUIREMENTS, is amended by adding the following to the chart found in § 2101.1:

| SCHOOLS | |
|---|--|
| <u>Pre-elementary schools and pre-kindergarten schools or facilities:</u> | <u>2 for each 3 teachers and other employees</u> |

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01 (2001), *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 06-06
PAGE 6**

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY JEFFRIES, JOHN G. PARSONS, AND MICHAEL TURNBULL, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, ACTING SECRETARY TO THE ZONING COMMISSION.